

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA

2020 OCT 26 P 12:40

U.S. DISTRICT COURT  
N.D. OF ALABAMAJames William Sales

Plaintiff

(Write your full name. No more than one plaintiff may be named in a complaint.)

-v-

Case No.

2:20-cv-01685-AKK-JHE  
(to be filled in by the Clerk's Office)K. Petters et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all of the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here. Your complaint may be brought in this court only if one or more of the named defendants is located within this district.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis*.

Mail the original complaint and the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis* to the Clerk of the United States District Court for the Northern District of Alabama, Room 140, Hugo L. Black U.S. Courthouse, 1729 5th Avenue North, Birmingham, Alabama 35203-2195.

**I. The Parties to this Complaint****A. The Plaintiff**

Provide the information below for the plaintiff named in the complaint.

Name JAMES WILLIAM SALES  
 All other names by which you have been known: \_\_\_\_\_  
 ID Number 278544  
 Current Institution WILLIAM E DONALDSON  
 Address 100 WARRIOR LANE  
Bessemer Al 35023  
 City State Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed

Defendant No. 1

Name Johnson  
 Job or Title (*if known*) ~~SAFETY~~ CPT. / ~~SAFETY~~  
 Shield Number \_\_\_\_\_  
 Employer Supervisor of the state correctional  
 Address 100 WARRIOR LANE  
Bessemer Al 35023  
 City State Zip Code  
☒ Individual Capacity ☒ Official Capacity

Defendant No. 2

Name CARL SANDERS  
 Job or Title (*if known*) Lt. supervisor / shift supervisor  
 Shield Number \_\_\_\_\_  
 Employer State corrections  
 Address 100 WARRIOR LANE  
Bessemer Al 35023  
 City State Zip Code  
☒ Individual Capacity ☒ Official Capacity

## Defendant No. 3

Name Corbin D Tunstall  
 Job or Title (if known) Officer of the State  
 Shield Number \_\_\_\_\_  
 Employer State corrections of Alabama  
 Address 100 Warrior Lane  
Bessemer AL 35023  
City State Zip Code  
☒ Individual Capacity ☒ Official Capacity

## Defendant No. 4

Name T Trell  
 Job or Title (if known) Officer of the State  
 Shield Number \_\_\_\_\_  
 Employer State of Alabama Corrections  
 Address 100 Warrior Lane  
Bessemer AL 35025  
City State Zip Code  
☒ Individual Capacity ☒ Official Capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal law].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply);

- ☒ Federal officials (a *Bivens* claim)  
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities, secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th and 14th Amendment was  
violated

- C. Plaintiffs suing under *Bivens* may only recover for violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

See Attached

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See Attached

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial Detainee  
☐ Civilly committed detainee  
☐ Immigration detainee  
☐ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner  
☐ Other \_\_\_\_\_  
(*explain*)

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

See Attached

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

See Attached

C. What date and approximate time did the events giving rise to your claim(s) occur?

See Attached

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attached

**V. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries in detail.

MENTAL And Physical injuries I'm fearful due to Jaw being broken once that more injuries will come

**VI. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want 550 ~~Thousand~~ Thousand dollars After ~~taxes~~ taxes And early Parole given to do to ALABAMA's departments Correction not being Able or willing to protect there inmate from Officer related Abuse

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

- E. If you did file a grievance

1. Where did you file the grievance?

With CAPTAIN Johnson

2. What did you claim in your grievance?

that I WAS And Am being ASSAULTED And Shaven  
HARASSMENT

3. What was the result, if any?

there where no result I WAS told nothing  
would be done About it

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

there is no APPEAL Procedure  
At All

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

CPT. Johnson, Lt. Col. CARL SANDERS, warden 2 K. Petters  
I had my complaint e-mailed to them

3. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

See Attached exhibits

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

#### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had any cases dismissed based on grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

☒ Yes

☐ No

If yes, state which court dismissed your case(s), when this occurred, and attach a copy of the order(s) if possible.

I did not have the money  
to pay filing fee



- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) ~~James~~ William Sales

Defendant(s) G. Givens, C. Sanders, C.D. Tunstall, K. Peterson

2. Court (if federal court, name the district; if state court, name the county and State)

Northern District of Alabama

3. Docket or index number

2:20-cv-2011-JHE

4. Name of Judge assigned to your case

John H. England III

5. Approximate date of filing lawsuit

Aug. 8

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. Sep-17

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Dismissed had to pay  
filing fee



**IX. Certification and Closing**

Under Federal Rule of Civil-Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.**

Printed Name of Plaintiff

JAMES WILLIAM SALES

Prison Identification #

278544

Prison Address

100 WARRIOR LANEBESSEMERAL35023

City

State

Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

10/17/2020

(Date)

JAMES SALES 278544

Signature of Plaintiff

Exhibits 1-4

**RECEIVED**

AUG 10 2020

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA

Dear, filing clerk do to me Being  
 in the Prison where I WAS ASSAULTED  
 And beaten upon by Officers Tunstall  
 And Sanders At William E. Donaldson  
 I do not feel safe the officers  
 Say there gone to Either get a  
 Inmate whom in unknown to  
 me to Assault me for them  
 I'm already being ~~ASSAULT~~ ASSAULT with  
 word and threats of physical injury  
 from Both Officers and inmates  
 I WAS sprayed in handcuffs by officer  
 Tunstall in the medical Health care unit  
 For giving voice to my claim around  
 other inmates Now & this Above  
 Stated happened on MAY, 7, 2020  
 I WAS written UP for

Threatening An Offices which I did not  
but ~~lost~~ Lost in court do to officer  
Word be more then mine An  
inmate. Named Willie Johnson  
SAW this Second Assault ~~AND~~ ALSO  
my mental Health ~~WHP~~ MHP through  
Wexford health wrote A report  
on fact she found out About  
dealing with this ASSAULT I  
Need A transfer to Lime Stone  
Correctional AWAY from this  
Prison Soon or I fear  
Physical injury resulting in  
my Death

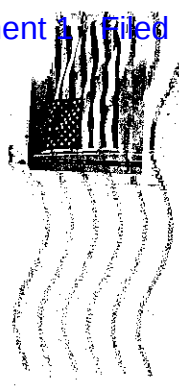
Officer Tunstall was around me again today the date is the 1<sup>st</sup> day of July. Way was I told he would not be around me ~~but~~ any time he ~~is~~ wants to is able to come around me so won't I be wrong if I do something out of fear then I'd only keep myself in ~~this~~ this shit hole of a prison right

13<sup>th</sup> of July I saw Officer Tunstall - so he feed trays on Sunday " is he still allowed has hit "

~~This full report on A 65 B 42~~

On July 17th officer Corbin Tunstall was in the dorm again. Ms. Millar and Ms. Harris was work in the dorm at the time he entered the dorm. So this my question if Wexford Health already knows this officer assaulted and has beaten me while my hands were in hand cuffs behind my back what make it safe for this officer to be around me. Furthermore 208 procedures say that the to render full efficient, and industrious service is that ~~the~~ what he is doing? Respond promptly to directions and instructions of supervisor, observe "all" laws, rules, and regulations and ext.. I know he is not this is me proving he is not following procedure given his for the orderly running of this prison just check the 208 Employee Standards of conduct and Discipline.

JAMES WILLIAM SALES  
278544 1100 WARREN  
LANE, BESSEMER  
AL, 35023



BIRMINGHAM AL 07 2020

104 AUG 2020 PM 5 L

**SECURITY**  
AUG 07 2020  
U.S. DISTRICT COURT  
NORTHERN DISTRICT  
ALABAMA

Clerk's office  
Room 140 HUGOL, BLACK  
U.S. COURT HOUSE, 1729 5TH  
AVENUE NORTH BIRMINGHAM  
AL, 35203-2195



2-4

## Exhibits

ON 9/23/2020 Officer Corbin D. Tunstall WAS PASSING out TRAYS with officer's gains, Trell, and Rogers he brought A TRAY to my cell/room at 10:10 on the clock And when I ASKED officer gains would he bring A TRAY or swich the ~~the~~ TRAY that officer Corbin D. Tunstall brought me to my cell/room with another because I don't feel safe with him dealing with my food officer Tunstall then SAID to officer gains if he don't get the tray I brought him he don't eat Officer gain then swich my tray out with craft in 19 cell/room to deal with the problem officer Tunstall then WALKED BACK to my cell/room door And CALLED me inmate James William Sales 278544 A ho ASS SCARY ASS nigger I SAID ok I'll be All that just as long as I'm safe And you can't harm me again

Signed James Sales 278544



Corbin, D. Tunstall 3-4  
EXHIBITS

Officer Corbin D. Tunstall Assaulted  
me JAMES WILLIAM SALES 278544 with A TRAY  
At 3:27 Because he's mad I keep writing  
him up for what he does wrong to me  
I was later brought A Tray / Plate with food on it  
by female officer Trel but why won't Adoc  
do anything about this officer Corbin D. Tunstall  
if he is Allowed to show actions like this to  
me without Adoc doing anything that would  
mean that I am not safe in Prison so the  
Court should let me out of Prison do to  
mental Health and Adoc not being able  
to protect me inmate JAMES WILLIAM SALES  
278544 today's date is 01/23/2020

date: Aug-1-2020 Exhibits 4 of 4

(Attache to 1983 form/ Statement of facts: Part II  
Section: D) COMPLAINT form

This I write in case something else happens to me while I have this legal suit going on officers that where and are at this prison and wardens for allowing the employee's to make these kind of actions against me. At the time these event took ~~place~~ place go as followed: Officers of the states correctional staff whom names are Corbin, D. Tunstall, LT. ~~2-3~~ ~~2-3~~ C. Sanders, Superintendents/~~2-3~~ Warden 2-3 K. Peterson, G. Givens

AS you may already know on April 9th, of 2020 I WAS in cell/room 5-S ~~1-5~~ dorm At the time of ~~event~~ events of this claim While/ reason for being in S-dorm WAS I WAS on suicide risk observation) in S-dorm cell/room 5 I found A way to cut myself by making A knife out of A window And did cut myself

Next officer Corbin, D. Tunstall came to the door of the cell/room I WAS in with two large cans of mase I WAS then sprayed by this officer six times 3 from each can then he walked out the dorm officer Rogger came and asked me

And I did. After that happened I was placed in handcuff with my hand behind my back once in cuffs I WAS taken out of the suicide cell/room And WAS being ~~walked~~ WALKED to the medical Health care unit by officer's Suttan, And Roggers. (Now I know as you know that because they work together it would be a good idea to check there work relationship do to that fact they may lie for each other)

Furthermore I'm wanting to show evrything so this Prison knows the truth of what happened to me At there Prison while I have been here as far as this) for a shower by way of walking through the RSTU HALLWAY once I made it in the ~~A~~ HALLWAY officer Corbin D. Turstan walked out of there cubical And told the other two officers hold him right there they responded with hold up let me get away from around here before I'll do anything I Asked what do you mean But the officers whom had taken me out of the cell/room walked

Out to the smoke area between the RSTU ~~hall~~ Hallway And ~~was~~ the mental health care unit once the officers whom had taken me out of the cellroom where gone I was punched in the face repeatedly by officer Corbin D. Tunstall he ~~also~~ also open my eyes and sprayed me repeatedly do to me already being in cuffs was this to keep me from seeing him or was this done to me to cause more physical injury? IS ~~the~~ this the employee standards Trained by Administration, and was he following Administrative Regulation ~~number~~ number 208? for the understanding of employee's Rules read 208

After this went on ~~for~~ from 12:45 to around 1:00 I was then pulled up off the floor of the RSTU Hallway And ~~opened~~ when I opened my eyes officer Trell was on my right and officer gain ~~was~~ was on my left and officer Corbin D. Tunstall was in front of me yelling now Nigga didn't I tell you to stop playing with me



While he was yelling this, officer ~~LT.~~ C. SANDERS walked in and said is that him meaning me JAMES WILLIAM SALES 278544 officer TUNSTALL said yeah that's the dumb ass right there pointing at me. ~~officer~~ LT. SANDERS walked up to me and SLAPED me in the face then punched me in the ~~a~~ right eye two ~~in~~ times I then ~~a~~ said you know you just rebroke my JAW he responded with So what nigga what can you do about it

Last A mental health observer named Mrs. CATER was placed as my observer at the time the event in this my claim happened. WAS ~~was~~ there in the small space between the smoke area and the RSTU hall way and saw me being ASSAULTED and brutally treated in the ~~a~~ RSTU hall way and reported what she saw to Mrs. BORK and Mr. PAIR the ~~SUPERVISERS~~ SUPERVISER'S over mental health All these events above stated happened on APR 19th, 2020

While he was yelling this. Officer ~~LT.~~  
 LT. C. SANDERS walked in and said is that  
 him meaning me JAMES WILLIAM SALES  
 278544 Officer TUNSTALL said yeah  
 that's the dumb ASS right there pointing  
 at me. ~~Officer~~ LT. SANDERS walked up  
 to me and SLAPED me in the face  
 then punched me in the ~~a~~ right eye  
 two ~~a~~ times I then ~~a~~ said you  
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 in the ~~a~~ RSTU hall way and reported  
 what she saw to Mrs. BORK and Mr. PAIR  
 the ~~supervisors~~ SUPERVISORS over  
 mental health All these events  
 above stated happened on April 9th, 2020

After the events of April 9th 2020:  
 I WAS SEXUALLY ASSAULTED by officer  
 TUNSTALL ~~the~~ this event happened on  
 April 14th 2020 While I was be  
 WALK to my 10 day crisis risk follow up  
 Appointment it around 7:30 or 8:00 AM when  
~~officers~~ Officers Trell, Gains, AND TUNSTALL  
 WALKED in the dorm they did not say  
 Anything to me yet so when Mrs. Trell the  
 Officer of the State came to my door  
 I said good morning to her she said  
 do you what to go to your follow up,  
 I said yes she then had buffed men  
 behind my back Officers Gains, and  
 TUNSTALL WALKED on the side of ~~the~~ dorm  
 with cell/room numbers 1-12 on the  
 bottom And 25-36 on top I WAS in  
 X-dorm At the time these  
 events happened once I made it  
 down the stairs I had Trell behind me  
 And GAIN on my right And officer  
 CORBIN D. TUNSTALL on my left when  
 I had made it to the middle of  
 the floor TUNSTALL moved in front of  
 me and pulled my penis out folded  
 my penis over his cut down tool AND



SAID NIGGA I'll cut your dick head off  
 I reported ~~this~~ this in the ~~meta~~ mental  
 Health CARE when I got there to  
 Mr. spencer ~~at~~ And the doctor.

MAY 7th I WAS STILL IN X-36 I  
 WAS told by the officers I had sick call  
 Apointment once there I SAW CAPTAIN  
 Caldwell in the medical Health unit

So I SAID What do I do About  
 What your officer has done to me  
 he responded with write INI  
 that ain't got nothing to do with  
 me. So I SAID I would And  
 he WALKED OUT then INMATES  
 ASKED me what happened So I  
 SAID what had happened And officer  
 TUNSTALL WALKED over to where I  
 WAS sitting ASKED me what I had  
 Just SAID and ~~the~~ the hole time I  
 had A MASK on do to covert IQ out  
 break And I SAID what SAID WAS you  
~~do~~ HAVE ASSAULTED me two times so far  
 in two ~~different~~ different ways he  
 then pulled his personal MASE CAN out  
 And SPRAYED ~~the~~ the hole CAN on me